

WILMINGTON, N. C., Nov. 25, 1881.

COL. W. P. CANADAY:

DEAR SIR:—Your application to me for my professional opinion upon certain questions submitted, has been received, with your offer of such compensation as I shall deem reasonable, and as I see no reason why I should not attempt to do so, and herewith furnish you with the result of my labor.

I understand your questions to be these:

I. Whether in the selection of jury lists the County Commissioners can rightfully select all whites, and altogether exclude colored men from such service.

You say the fact exists that in many counties of the state colored men are excluded, that in such counties there are never any other than white jurors; although there are in colored counties a large population of colored people, and many colored citizens qualified for the service.

II. Whether the Federal Constitution and laws of the United States as to such matters are not in force and to be obeyed by the state officers of North Carolina.

III. Whether such officers are not amenable and in what way and forum, for any disobedience of the provisions of the U. S. Constitution and laws in this regard.

IV. If other injurious consequences to the general public will not flow from this official disregard of the national legislation.

The questions are of the utmost importance, but not difficult, for each and all of them have been closed by judicial decision in the Court of the highest authority in the nation.

In so far as the Constitution of the United States has touched the questions immediately, the provisions will be found in the three last amendments, 13th, 14th, 15th. These and the legislation in pursuance thereof, cover the whole matter.

By the 13th, slavery and involuntary servitude except for crime, after conviction, within the United States or any place subject to their jurisdiction, are prohibited. This prohibition covers every form of "serfage, vassalage, peonage, villeinage or other compulsory service," whereby one person might be made subject to another.

The language though prohibitory is of positive, affirmative action and effect, conferring the blessed boon of freedom upon all alike, and rendering to every one within the domain of the nation, the right to be a freeman: unless by his own criminal act, of which he shall have been duly convicted he shall forfeit this privilege and immunity.

The 14th amendment creates, or recognizes, or defines a citizenship of the United States, and of the states, co-ordinate in a native or naturalized inhabitant, and brings thereby this dual relation of the person to two sovereignties, more effectively within the fold of the national protection, by broadening its organic power beyond the ancient limits, and strengthening them beyond the ancient vigor. It does all this by enjoining that "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the state wherein they reside." It prohibits a state "to make or enforce any law which shall abridge the privileges or immunities of citizens of the United States: It forbids a state to deprive any person of life, liberty or property without due process of law, and declares that no state shall deny to any person, the equal protection of the laws.

The 15th contains a self prohibition, as well as one to the states, in declaring that the "right of citizens of the United States to vote, shall not be denied or abridged by the United States or by any state, on account of race, color or previous condition of servitude." So that by no agency of the United States is any of its departments, nor of the states in their, can this right of suffrage implied in the above prohibition be abridged because of race or color, so long as the Constitution of the United States remains unaltered. Neither Congress nor legislature can distinctly deny or impair it.

Whatever may have been thought by many, of the circumstances under which, and the methods by which, these amendments were adopted, and because like the whole organic law, of which they are components, the supreme law of the land.

North Carolina has ratified them, and accepted her legislation upon them.

With them in force she has assumed the permanent allegiance of her citizens to the Constitution and government of the United States, and that no law or ordinance of the state in contravention thereof, can have any binding force." Constitution of North Carolina, art. I, sec. 4.

And notwithstanding the presence of these amendments in the National Constitution, she declares in her that she will "ever remain a member of the American Union, and that the people thereof are part of the American nation, and entitled to all the rights and privileges of citizens of the United States, and to the protection of the people thereof. Ibid. art. I, sec. 4.

When it is remembered that these amendments are the direct act of the people for the people, we cannot wonder at the solemn and careful consideration which the above citation

from the state Constitution. Emphasis at least, *made good*. Early in the History of these Amendments were their primary object and purpose judicially ascertained. In the "Slaughter House cases," the Supreme Court of the United States said: "No one can fail to be impressed with the one pervading purpose found in all the amendments, lying at the foundation of each, and without which none of them would have been suggested. We mean the freedom of the slave race, the security and firm establishment of that freedom, and the protection of the newly made freeman and citizen from the oppression of those who had formerly exercised unlimited dominion over them." 16 Wallace 71.

And in a later case the same Court, speaking of that clause in the 14th Amendment, which declares that a state shall not "deny to any person within its jurisdiction the equal protection of the laws." Esquires, "What is this but declaring, that the law is the same for the white, that all persons, whether colored or white shall stand equal before the laws of the states, and in regard to the rights of life, liberty and property, for whose protection the amendments were primarily designed, that no discrimination shall be made against them by law, because of their color. Strauder vs. West Va., 10 Otto 307.

To such an extent was the colored race the object of the amendments, that the Court "very much doubted, whether any action of a state, not directed by way of discrimination against the negroes as a class will ever be held to come within the purview of these provisions. 16 Wallace 81.

North Carolina has not by any statute or ordinance authorized, sanctioned, encouraged or allowed any discrimination obnoxious to these amendments. And her judicial decisions have been in keeping with her legislation for she accepts and respects the decisions of the Supreme Court of the United States as authority in all matters of which it has the ultimate cognizance. (See opinion by Ruffin J. in *Oldham vs. First National Bank of Wilmington*, just delivered.)

The legislation of the state charges the "County Commissioners" with the selection of the jury lists, only prescribing that they are to be chosen from the tax returns of the preceding year, of those who have paid their taxes, and are freeholders of good moral character and of sufficient intelligence, and they are charged annually to scrutinize the lists and diligently enquire whether any person qualified to be jurors are omitted. Battle's Revisal C. C. P. chapter 3 sections 239 A. and D.

Whatever is therefore done by her subordinate agents which discriminates against a class in contravention of her laws.

With these preliminary observations, histories and citations in view, I proceed to answer your questions.

1st. While the 14th amendment nowhere expresses any right in a colored man to sit on a jury in a state Court, nor any right of colored citizens to be tried by their own race in part or in whole, or to have his cause if civil or criminal, clearly implies an immunity or right, most valuable to the colored race, the right to be exempt from unfriendly legislation or action against them on account of race or color, such as discriminations implying inferiority in civil society, whereby the security of their enjoyment of the rights which others enjoy is lessened, and if the state were to pass a law by her legislature restricting the selection of jurors to white persons, it would be void because unconstitutional.

And if she by her legislative department cannot make such discrimination, no more can she by her judicial, and still less can any of her agents acting judicially or ministerially, do so by a misuse of her authority.

In *ex parte Virginia*, Mr. Justice Strong delivering the opinion of the court said: "A state act by its legislative, executive or judicial authorities, it can act in no other way. The constitutional provisions therefore must mean that no agency of the state, or of the officers or agents by whom the powers are executed shall deny to any person within its jurisdiction the equal protection of the laws," and "whoever by virtue of public position under a state government denies to one, or a class, the equal protection of the laws, violates the constitutional prohibition. This must be, or the constitutional prohibition has no meaning."

The colored people, therefore, parties to trials, involving their lives, liberty or property, have a right to claim, and will be protected in the claim, that the selection of jurors who are to pass upon their rights, there shall be no exclusion of their race, and no discrimination against them because of their color; and the county commissioners cannot altogether exclude colored citizens without violating the presumption that it is because of race and color.

II. Your second question is answered in the declarations which I have already quoted from the state Constitution. That the United States Constitution in all its parts and the laws of Congress in pursuance thereof have been made laws of the state which in enforcing them on the state officers in enforcing them on the state officers, the county commissioners, they are required to

take the oath to support this Constitution as a qualification to hold the office.

III. There can be no doubt that a personal responsibility attaches to any officer of the state who commits an infraction of these provisions of the National Constitution, and they are liable to indictment and fine in the District or Circuit Court of the United States. The three amendments have not been left to be self-executing, appropriate legislation has been had for their enforcement.

By the act of Congress of 1st March, 1875, 18 stat. pt. 3-386, it is provided substantially that no citizen who possesses other qualification (that is in North Carolina, who is of moral character and sufficiently intelligent, and has paid his taxes), shall be disqualified as a juror on account of race or color, and any officer charged with the duty of selecting or summoning jurors who shall exclude, or fail to summon any citizen for the cause aforesaid, shall on conviction be deemed guilty of a misdemeanor, and be fined not more than five thousand dollars.

A case arising under this act has already been before the Supreme Court of the United States and its constitutionality has been adjudicated, and its construction defined.

A Judge of a county court of Virginia charged with the selection of jurors for service in the court of Pittsylvania county, was indicted in the District Court of the United States for excluding and failing to select colored citizens to serve as jurors, because of their race and color. Being arrested, and in custody he presented a petition for habeas corpus, and certiorari, and on the hearing alleged that the District Court had no jurisdiction of the matter charged against him, that the indictment laid no accusation of a punishable offense, and that his imprisonment was unwarranted by the Constitution of the United States, or any law passed in pursuance thereof, and was in violation of his rights, and those of the state of Virginia; and the state petitioned also, setting up that she was deprived of her judicial officer, and both the petitions prayed his discharge.

The Supreme Court held, 1st. That the act of the 1st March, 1875, is constitutional.

2d. That no agency of the state in any of its departments shall violate the amendments 13th, 14th, labor recited, or the acts of Congress intended to enforce their provisions.

3d. That they, the amendments, were intended to secure equal rights to all persons, and that Congress was vested with power to enforce them by appropriate legislation acting on the persons who are the agents of the state.

4th. That such officer as is charged with the selection of jurors in no acting, acts ministerially, and although he derives his authority from the state, is bound to obey the Constitution and laws of the United States. Ex parte vs. 10 Otto 340.

It follows that if the county commissioners who are charged to make the jury lists, fail to place the names of colored citizens on the lists and exclude them therefrom on account of race or color, that they are amenable to indictment under this act of Congress, in either the District or Circuit Court of the United States, and to be fined on conviction, not more than \$5,000.

What will be regarded as evidence for the motive for such exclusion, may be inferred from the language of Justice Harlan in *Neal vs. Delaware*. He says: "The showing thus made * * * that no colored citizen has ever been summoned as a juror in the courts of the state * * * presents a prima facie case of denial by the officers charged with the selection of jurors, of that equality of protection which has been secured by the Constitution and laws of the United States."

Public officers might well contemplate with anxiety that conviction and fine would upon a presumption, arising from habitual omission alone, for a prima facie case is one sufficient to disprove. State vs. Patton, 5 Fred. 180-84.

Besides this such action is a violation of the spirit of the state laws, which may be punished at the instance of the state for one act may be an offense against both governments. Moore vs. Illinois 14 Nov 13.

It is manifest that injurious consequences to the general public must flow out of this disregard of official duty.

So long as this state of things continues, the reverberating jurisdiction of the federal courts over state prosecutions is invited, and must follow, and if there be anything the attenuated idea of state rights, remaining for preservation, it should be the maintenance in the state of absolute and ultimate control of criminal prosecutions, for offense against the state. But this cannot be and ought not to be, if the state through her agents complies with the administration of her laws in violation of the supreme law of the Republic. For it does not that on indictment of a colored man in these courts, where these are colored courts, that the federal courts have any occasion for writs of error from the Supreme Court of the United States.

Section the act of 1st March, 1875, Congress has further enacted that with in the jurisdiction of the United States all persons shall have the same right in every state to make and enforce contracts, to sue, to be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains penalties, taxes, licenses and exactions of every kind, and no other. U. S. Rev. Stat. sec. 1979-83.

The object and effect of these statutes are to place the colored race as to their civil rights on the same plane with the whites, to prescribe an exact equality of right and responsibility for all citizens alike, and to enforce the prohibition of the 14th amendment that no state shall deny to any person the equal protection of the laws.

As a further method of protection and enforcement Congress passed the act found in sec. 641, allowing the removal of civil suits or prosecutions to the federal courts, when for any cause a person is denied, or is about to be denied, in the state tribunals any rights secured to him by any law providing for the equal civil rights of citizens of the United States. The constitutionality of these acts has been recognized, *Tennessee vs. Davis*, 10 Otto 259.

In this case the court took occasion to approve our case of the *State vs. Hoskins*, and draw from Justice Read's opinion much "both of reasoning and citation."

The Legislature of West Virginia, had by enactment limited the selection of jurors to the white males. One Strader being accused of felony in one of her courts petitioned for removal under 641, because of the exclusion of his race on account of their color under the legislative statute.

And the Supreme Court held the state void and section 641 constitutional, and that by the latter the removal into the federal courts was authorized and the prosecution put and ended in the state courts. *Strader vs. West Virginia*, 10 Otto 303.

In Virginia the legislation in this matter, like ours, has been in conformity with the National Constitution, but certain of her judicial officers had in selecting juries excluded colored citizens altogether and constantly.

Two negroes being indicted for murder in Patrick county, filed their petition for removal to the federal court under 641, because of the action of the Judge charged with the selection of the jurors, and the case went to the Supreme Court of the United States.

It was held that section 641 did not apply to that case, because by the terms of the act it was directed to a denial of the right to equal protection of the law, or inability to enforce them resulting from the Constitution or law of a state, and inasmuch as in Virginia the Constitution and laws authorized no such exclusion, removal was not the proper remedy. *Virginia vs. Rives*, 10 Otto 319.

But the court also held that the constitutional provision is broader than those of section 641, and that if may act when subordinate agents of the state either executive or judicial, originally misuse the state law, to deny the equal protection of the laws, which the United States Constitution enjoins, and that this action will be taken in the Supreme Court of the United States by a writ of error to the state court, over whose judgment it will assume supervision. *Virginia vs. Rives*, 10 Otto 319.

Accordingly one Neal being indicted for a capital felony and on trial in the court of Oyer and Terminer of Newcastle county, Delaware, petitioned to remove his cause to the federal court, for the reason that by the law of Delaware, and by the action of her officers, jurors were selected wholly of whites, and colored men were altogether excluded on account of their color; and that the panel of grand jurors who found the bill had been so constituted. The petition was denied, and the trial proceeded with. The prisoner then moved to quash the panel and the indictment, because the jury found in selecting persons to serve on the grand jury had excluded all colored men because of their race or color. This motion was refused and exception taken, the trial proceeded to conviction and judgment of death against the prisoner.

On a writ of error to the court of Oyer and Terminer of Newcastle, the Supreme Court of the United States held, 1st. That the Constitution and laws of Delaware did not contravene those of the United States in the matter before the court, and therefore there was no error in denying the petition of the prisoner to remove his cause.

2d. That the exclusion of the colored men, because of their race or color, by the jury commissioners, though without authority from the state laws, was a violation of the principles of justice under the Constitution and laws of the United States, which the trial court should have redressed.

3d. That the remedy for such error in the state court is to be found in the reviewing power of the Supreme Court of the United States.

Mr. Justice Harlan speaking for the court said: "The jury commissioners in the present case failed to do the act of the state and the intent of the state court to remove the wrong by them committed was a duty of a jury returned to the jury by the Constitution and laws of the United States."

The judgment of the court of Oyer and Terminer of the state of Delaware was reversed, with directions to set aside the verdict as also the order denying the motion to quash. *Neal vs. Delaware*, 13th Otto 370, 387-88.

It is thus seen that by the action of these state officers the ultimate control of criminal prosecutions in the state court is surrendered to the review of the federal tribunals, and the general government becomes the practical protector of the rights of the citizen, which the state ought jealously to guard.

Not is this the worst evil to grow out of the action of the county officials. It entails upon the counties the inconvenience of delay in the administration of justice, and heavy expense incident to the transfer of cases into the federal courts, and unless ended it will assuredly bring about much more rigorous and stringent enforcement measures than we have yet been obliged to submit to at the hands of Congress.

I am, very respectfully, Yours obedient servant, D. K. McRAE.

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One hundred and seventy-eight persons, 2 meals a day, per week \$1074.00. One hundred and seventy-nine persons, 2 meals a day, per week \$1080.00. One hundred and eighty persons, 2 meals a day, per week \$1086.00. One hundred and eighty-one persons, 2 meals a day, per week \$1092.00. One hundred and eighty-two persons, 2 meals a day, per week \$1098.00. One hundred and eighty-three persons, 2 meals a day, per week \$1104.00. One hundred and eighty-four persons, 2 meals a day, per week \$1110.00. One hundred and eighty-five persons, 2 meals a day, per week \$1116.00. One hundred and eighty-six persons, 2 meals a day, per week \$1122.00. One hundred and eighty-seven persons, 2 meals a day, per week \$1128.00. One hundred and eighty-eight persons, 2 meals a day, per week \$1134.00. One hundred and eighty-nine persons, 2 meals a day, per week \$1140.00. One hundred and ninety persons, 2 meals a day, per week \$1146.00. One hundred and ninety-one persons, 2 meals a day, per week \$1152.00. One hundred and ninety-two persons, 2 meals a day, per week \$1158.00. One hundred and ninety-three persons, 2 meals a day, per week \$1164.00. One hundred and ninety-four persons, 2 meals a day, per week \$1170.00. One hundred and ninety-five persons, 2 meals a day, per week \$1176.00. One hundred and ninety-six persons, 2 meals a day, per week \$1182.00. One hundred and ninety-seven persons, 2 meals a day, per week \$1188.00. One hundred and ninety-eight persons, 2 meals a day, per week \$1194.00. One hundred and ninety-nine persons, 2 meals a day, per week \$1200.00. Two hundred persons, 2 meals a day, per week \$1206.00. Two hundred and one persons, 2 meals a day, per week \$1212.00. Two hundred and two persons, 2 meals a day, per week \$1218.00. Two hundred and three persons, 2 meals a day, per week \$1224.00. Two hundred and four persons, 2 meals a day, per week \$1230.00. Two hundred and five persons, 2 meals a day, per week \$1236.00. Two hundred and six persons, 2 meals a day, per week \$1242.00. Two hundred and seven persons, 2 meals a day, per week \$1248.00. Two hundred and eight persons, 2 meals a day, per week \$1254.00. Two hundred and nine persons, 2 meals a day, per week \$1260.00. Two hundred and ten persons, 2 meals a day, per week \$1266.00. Two hundred and eleven persons, 2 meals a day, per week \$1272.00. Two hundred and twelve persons, 2 meals a day, per week \$1278.00. Two hundred and thirteen persons, 2 meals a day, per week \$1284.00. Two hundred and fourteen persons, 2 meals a day, per week \$1290.00. Two hundred and fifteen persons, 2 meals a day, per week \$1296.00. Two hundred and sixteen persons, 2 meals a day, per week \$1302.00. Two hundred and seventeen persons, 2 meals a day, per week \$1308.00. Two hundred and eighteen persons, 2 meals a day, per week \$1314.00. Two hundred and nineteen persons, 2 meals a day, per week \$1320.00. Two hundred and twenty persons, 2 meals a day, per week \$1326.00. Two hundred and twenty-one persons, 2 meals a day, per week \$1332.00. Two hundred and twenty-two persons, 2 meals a day, per week \$1338.00. Two hundred and twenty-three persons, 2 meals a day, per week \$1344.00. Two hundred and twenty-four persons, 2 meals a day, per week \$1350.00. Two hundred and twenty-five persons, 2 meals a day, per week \$1356.00. Two hundred and twenty-six persons, 2 meals a day, per week \$1362.00. Two hundred and twenty-seven persons, 2 meals a day, per week \$1368.00. Two hundred and twenty-eight persons, 2 meals a day, per week \$1374.00. Two hundred and twenty-nine persons, 2 meals a day, per week \$1380.00. Two hundred and thirty persons, 2 meals a day, per week \$1386.00. Two hundred and thirty-one persons, 2 meals a day, per week \$1392.00. Two hundred and thirty-two persons, 2 meals a day, per week \$139

THE WILMINGTON POST.

WILMINGTON, N. C.
SUNDAY MORNING, DEC. 11, 1881

REPORT OF THE GRAND JURY.

The Grand Jury at the last term of the Criminal Court for this county, visited the county poor house and jail last week and reported as follows:

We visited the county poor house and found everything in very good condition and the inmates cheerful and satisfied with their treatment as to food and other necessities.

We also visited the county jail and found it not in as clean a condition as it should be; and we also found that some necessary repairs are needed. We would recommend that the plastering in the rooms be repaired and that the cells and house generally, inside, be whitewashed. We further recommend that the prisoners be allowed more comfortable bedding.

(Signed) S. W. DUNHAM,
Foreman.

SUPERIOR COURT.

The December term of the above named court convened in this city on Monday last, his Hon. Judge Shipp, presiding. The following civil cases were disposed of:

- Isaac Wells vs. Francis Bell. Appeal granted.
- The Bank of New Hanover vs. A. A. Moffitt, et al. Judgment for plaintiffs.
- W. B. McKoy, assignee, of T. H. McKoy, vs. the Bank of New Hanover. Judgment for plaintiffs.
- A. Cause vs. Geo. Cause. Mistrial.
- Thos. M. Gardner vs. Board of County Commissioners. Dismissed.
- Wm. Moeley vs. Josephine Allen. Left open.
- John D. Bellamy vs. Cornelius Campbell. Final decree.
- E. R. Cause vs. W. W. Lane, executor. Continued under former order.
- J. C. Munda vs. Jos. Bagley. Judgment for plaintiffs.
- L. A. Hart, surviving partner for Hart & Bally vs. Thos. C. McIlhenry. Judgment for plaintiffs.
- L. A. Hart vs. Thos. C. McIlhenry. Judgment for plaintiffs.
- Jas. W. Collins vs. Wm. L. DeRoset and others. Decree.
- W. J. Sutton and wife vs. J. T. Schowall. Judgment for plaintiffs.

COUNTY COMMISSIONERS.

The Board met Monday afternoon at 2 o'clock, present, Mr. Bagg, the Chairman, and Commissioners Moore, Pearce, Worth and Montgomery.

Application of Jos. C. Hill made at the previous meeting, was not granted.

The Treasurer submitted his report for November which showed a balance on hand to the general fund of \$30,298.06; to the special fund, \$3,673.38. He exhibited one coupon, No. 38, of the denomination of \$3, which was burned in the presence of the Board. The educational fund shows a balance on hand of \$3,546.09.

Register of Deeds.

The Register of Deeds submitted his monthly report of marriages, exhibiting Treasurer's receipt for \$12.35.

The Clerk of the Superior Court exhibited his annual report, showing amount collected from jury tax, \$66; from inspectors' license tax, \$625; from previous account, \$60. Referred to Finance Committee.

Register of Deeds.

The Register of Deeds' annual report was submitted, showing licenses issued during the year to 80 whites and 143 colored couples, amounting to \$223, which, less 5 per cent commission, nets \$211.85.

Application to retail spirituous liquors.

An application to retail spirituous liquors on the corner of Nutt and Red Cross streets was granted.

S. H. Manning, sheriff of the county, offered his three official bonds, to-wit: Process bond, in the sum of \$5,000; County School and Special Tax bond, in the sum of \$50,000; and the Public Tax bond, in the sum of \$35,000; with A. W. Shaffer, H. E. Scott, E. J. Fennypacker, E. E. Barren and D. L. Russell as sureties, which said bonds being found correct in form, were approved and ordered spread upon the record of official bonds and filed.

Stacy Van Amringe, Clerk of the Superior Court.

Stacy Van Amringe, Clerk of the Superior Court, offered his official bond in the sum of \$10,000, with H. E. Scott and Geo. Chadbourn as sureties, which bond was approved and ordered spread upon the record of official bonds and filed.

Edward D. Hewlett, Coroner.

Edward D. Hewlett, Coroner, offered his official bond in the sum of \$3,000, with H. E. Scott and D. O'Connor as sureties, which was approved, ordered spread upon the record of official bonds and placed on file.

Elijah Hewlett, Treasurer.

Elijah Hewlett, Treasurer, offered his official bond in the sum of \$50,000, with Isaac Bates, J. W. Atkinson and D. R. Murchison as sureties, which was approved, ordered spread upon the record of official bonds and filed.

James Elder, Constable of Marshboro Township.

James Elder, Constable of Marshboro Township, presented his bond and was duly qualified.

A Lady's Wish.

"Oh, how I do wish my skin was as clear and soft as yours," said a lady to her friend. "You can easily make it so," answered the friend. "The secret is in the first lady. 'The secret is in the first lady,' that makes your skin clear and glowing health. It did for me, as you observe."—Cure for Skin.

A WORD FROM BRUNSWICK CO.

SMITHVILLE, Dec. 8th, 1881.

EDITOR POST:—We often see in the many newspapers of the day, long and well gotten up reports from the different counties in the State, but never see any thing from the well regulated and good old county of Brunswick, that in many respects is equal to any county in the State. Brunswick has in it, several points of interest, but we would mention Smithville particularly. Smithville is the county seat of said county and is located at the mouth of the Cape Fear river, and if paid any attention to, would be one of the first watering places in the whole South. Our people are energetic and enterprising, but they are generally poor, and not able to do any thing for their own town. All we need is money to make Smithville one of the grandest places in our knowledge. Its natural facilities are excellent, and it behooves us to do all in our power, to make it attractive, and thereby make it even a more desirable summer resort than it now is. When nature has seen fit to do so much for us in making our place so very attractive, we are anxious to make it even more so, and thereby, as it were, assist nature in her beautiful work. The place is supported now by the plottage, but we need some other auxiliary. In view of the facts herein mentioned, we take occasion to solicit moneyed men to come to our town, build a nice hotel, give their aid and influence to our having a railroad to come here, and in so doing, enhance the value of our property, in a general way improve the town, and greatly benefit themselves. We feel warranted in saying that if such were the case, that Smithville would very soon knock the spots off of any other summer resort in this country. But perhaps we have said enough for Smithville and will write in a more general way. In regard to the farming interests of our county, we would say that there are a few very nice cotton and rice growing farms in it, a few very practical and good farmers, but since the late war the people have been without aid and it has been almost impossible to procure it even with the money, and therefore we do not really boast of our grand productions, except in sweet potatoes. We do boast that with the aid of fertilizers, that we can raise as many potatoes to the acre as any other county in the State. It has been stated that six hundred bushels have been produced to the acre, on one farm in this county. We don't state it as a fact, yet the parties who so stated are reliable. We would now say something of the government of our county. We have now a very good Board of Commissioners viz: T. M. Williams, John E. Mints and John N. Bennett, who we believe want to do their duty in office, and now have Brunswick in good running order. Our county financially is in as good condition as its tax payers could reasonably ask. We have had as we stated, a very good Board, and our other officers have been of the right stripe for the last several years, and to-day our county claims are worth their face and will trade in any store in town for the same. We now have a small fund in the hands of the Treasurer. Our school vouchers, on account of bad management of school committees are not so much in demand, yet we hope soon to regulate that, and by the 1st Monday in January 1882, start out on a new system, as the law has somewhat changed on the subject, and our committees favored us with a very gentlemanly and competent county superintendent, who we believe will do his duty in the premises, and execute the duties of his office economically and impartially, regardless of color or race. On the 1st Monday in December, 1880, the commissioners met at the court house in Smithville to receive bonds and license the newly elected officers to take charge, and execute the duties of their office for one year. Each man came up with a good and sufficient bond, took charge of his position, and run it through the year. On Monday last, the 1st Monday in December 1881, the honorable board again met in accordance to law, to audit the accounts of the county officers for the last year, and have them renewed their bonds. Our excellent and worthy sheriff E. W. Taylor, brought in a good report, gave very satisfactory bond, and has again resumed the duties of his office for another year. So we will yet look out for the Taylor when it is necessary that we be arrested, and brought to account for our past sins. The clerk of the court, L. P. Swain, gave good account of himself, renewed bond and will go on his way rejoicing another year. The register H. R. Burk a very quiet and good citizen, showed a clean sheet of his duties, gave the board good security of faithful performance of duty another year, and so we will yet have him to record our valuable papers, and when we want to get married he is the man to fix us so that we have nothing to do but to stand for the preacher. The Treasurer (I hope I will be excused for referring to him) we saw plodding his way to the commissioners room to have his accounts audited, and give good bond, etc., which was done, and the auditing committee reported favorably, and so you will for another year apply to him, when you want your county scrip cashed. It is evident that for the last several years Brunswick has shown a clean record. Our county is well run and of great credit. The town of Brunswick is a well regulated and healthy place, and it behooves us to do all in our power, to make it attractive, and thereby make it even a more desirable summer resort than it now is.

BRUNSWICK CO.

SMITHVILLE, Dec. 8th, 1881.

EDITOR WILMINGTON POST:—As we have seen nothing in your weekly visits to us for some time, from your "city by the sea," we thought that you would relish a line from your native county, for the next thing to seeing an old friend, is to receive a letter from him.

Our county has been specially blessed with good crops, while we have heard complaints from all portions of the State about the shortness of crops, our farmers are rejoicing, we have indeed, much to be thankful for in this county, and our people celebrated the last Thanksgiving day with more enthusiasm than ever before.

We were sorely pained to hear of the death of Col. L. E. Rice, of your city, truly a good man has gone to rest.

The event of the past week was the meeting of the annual conference of the African Zion M. E. Church, at this place, Bishop Hood presiding. It was one of the most orderly assemblies that has ever met in our State, and reflects great credit upon the colored people of our State. The attendance was large, and on Sunday the 4th inst, a special train was run over the Midland road, and brought down about 300 excursionists. The colored people of our town, assisted by those who reside in the country adjacent, deserve more than a passing notice at your hands, for the elegant manner in which they enter, tained the members of the conference and the visitors.

The fishing season with us, has not proven as remunerative as usual, as it was almost a failure, the large mullet fisheries in our county barely paying expenses. The hotel lever, has died, and nature has seen fit to take that our people will be dormant, and wicawber like "wait for something to turn up."

We are informed that Marshall Parks, Esq., the president of the Harlowe and Cluifoot canal will soon commence operations, on that long neglected work, the dredging of this canal will be of great benefit to the citizens of our county.

Your attention is called to the Screw File light house at Harbor Island, which is in a state of decay, and is in need of repairs. It is a great detriment to our people who make a living cruising through the sounds. We call your attention to the matter, and ask you to aid us in its rehabilitation, for you have been ever ready to aid us when called upon.

While reading your article in the last issue of the Post on "Hallix election frauds," we were forcibly reminded of some election frauds in this county which kept honest men away from the polls on last election day by various threats, the time has passed away for such as this. Let all lovers of liberty, and all good republicans see to it on next election day, that every man regardless of color, vote as he wishes to.

You have many warm friends in this your native county, and more are being constantly added, which was discontinued twelve months or more ago, it is a great detriment to our people who make a living cruising through the sounds. We call your attention to the matter, and ask you to aid us in its rehabilitation, for you have been ever ready to aid us when called upon.

Three English steamers are expected to arrive at this port this month from across the pond with steel rails for the Midland road, they will be the first vessels, sailing direct to this port since the Atlantic & North Carolina Railroad was built.

Our harbor has been visited the past week by two fine sailing yachts and three steam yachts, all bound to Florida.

Our town can boast of more than any town of 2,000 inhabitants in the State, we are such law-abiding community that we cannot support a resident lawyer, and the lawyers who practice in our superior courts say that were it not for the cases brought here for trial from other counties, they would not come here at all.

Your last issue speaks of county commissioners failing to place colored men on juries, they refuse, to put them on the jury in this county, why not advertise a list of all such counties. More anon.

QUID MISC.

The Editor and proprietor of the North American Review announces that the Review will be hereafter published at No. 30 Lafayette place, and will appear under its own imprint. He states that he has found it impossible to conduct the publication in the spirit of the motto adopted by its founders, making it a forum of independent thought, and extending, at his discretion, the hospitality of its pages to thinkers and scholars of all creeds and forms of belief, and at the same time to maintain relations with a publishing house having extensive school-book and other interests of its own to promote. This change of imprint will involve no alteration whatever in the organization or service of the Review.

More work and less money will make Wilmington any better looking, and they will certainly have more money.

ADVERTISEMENTS.

NO. 2 GRANITE ROW, FRONT STREET.

I HAVE JUST OPENED MY FASHIONABLE RESTAURANT.

DAY, WEEK, and MONTH.

First Class Accommodations for Ladies.

The very best will be furnished that can be purchased in this or the best.

NORTHEN MARKETS.

Liquors, Wines, &c.

SUPERIOR QUALITY.

The City of Wilmington has long needed a

Fashionable Cafe.

LADIES AND GENTLEMEN,

And it is my purpose to supply this want.

Meals furnished at all hours of the Day, and up to 12 o'clock at Night.

Conducted on the

EUROPEAN STYLE.

F. A. SCHUTTE,

Proprietor.

Beef, Sausages.

JNO. C. BORNEMAN

ON NORTH SIDE OF MARKET BETWEEN Second and Third streets, in the place to buy the very best.

Mutton,

Lamb,

Veal,

Beef,

Meat and Sausages.

Purchases delivered promptly, and free of charge.

JOHN C. BORNEMAN.

Sale of Real Estate—Foreclosure of Mortgage.

BY VIRTUE of the power of sale contained in a certain mortgage deed executed by Samuel Bimthelmal and wife, Henrietta, to R. B. Bimthelmal & Son, on the 1st day of May, 1880, and registered in the Records of New Brunswick County, North Carolina, at page 100, of the undersigned will sell by public sale, at the highest bidder, for cash, at the Court House door, in a city of Wilmington, at 12 o'clock M., on Monday, the 12th day of December, 1881, the premises hereinafter described, to-wit: A lot of land, situate, lying and being in the City of Wilmington, in the County of New Brunswick, and State of North Carolina, bounded and described as follows: Beginning on the North line of the lot of land owned by the late R. B. Bimthelmal & Son, and running Eastwardly with the line of the lot of land owned by the late R. B. Bimthelmal & Son, to the line of the lot of land owned by the late R. B. Bimthelmal & Son, and running Northwardly with the line of the lot of land owned by the late R. B. 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